

REMARKS

Favorable consideration and allowance are respectfully requested for claims 12-30 in view of the following remarks.

Status of the Application

Claims 12-30 are pending in this application. Claims 1-11 were previously canceled. Claim 22 was rejected under 35 U.S.C. § 101. Claims 12-16 and 21-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0046359 to Betz *et al.* (the “Betz publication”). Claims 17-20 were objected to.

Rejection under 35 U.S.C. § 101

According to the Examiner, claim 22 fails to recite statutory subject matter. In response, Applicant respectfully submits that a determination of whether an *invention* constitutes statutory subject matter is not based on an analysis of whether individual claim elements are statutory. Therefore, Applicant asserts that the Examiner has failed to make a *prima facie* case that claim 22 does not recite statutory subject matter, and, as a result, the rejection should be withdrawn.

Rejection under 35 U.S.C. § 102(e)

According to the Examiner, the Betz publication discloses the subject matter of claims 12-16 and 21-30. In response, and with respect to independent claim 12, Applicant respectfully submits that the Betz publication does not disclose starting the application program through the boot program. In particular, nothing at ¶ [0036] in the Betz publication indicates that the boot

program does anything at all with the “decompressed main programs [that] are stored in the SDRAM 185 [sic].” In fact, ¶ [0034] in the Betz publication indicates that “circuits” – not the boot program – assist with executing the software stored in the SDRAM: “The processor 181 cooperates with conventional support circuitry (not shown) such as power supplies, clock circuits, cache memory and the like as well as *circuits* that assist in executing the software routine stored in the FLASH memory 185 and SDRM [sic] 175” (emphasis added).

In contrast, the present invention discloses “starting the application program with the boot program” (Specification at p. 5, line 10); and “When the entire application program has been loaded and decompressed, the boot loader terminates its own operation by staring the application program” (*id.* at p. 8, lines 23-25 and p. 11, lines 27-29). Therefore, Applicant submits that the Betz publication does not disclose the subject matter of independent claim 12, and, as a result, this claim is in condition for allowance. As each of claims 13-16 depends directly or indirectly from claim 12, these claims are also in condition for allowance.

Applicant gratefully acknowledges the indication of allowable subject matter in claims 17-20. For the reasons stated above with respect to claim 12, however, Applicant submits that these claims are in condition for allowance in their present form.

The Examiner also asserted that the Betz publication discloses the subject matter of claims 21 and 22. In response, Applicant respectfully submits that the

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Betz publication does not disclose starting the application program through the boot program, as discussed above with respect to claim 12. Therefore, these claims are also in condition for allowance.

The Examiner further asserted that claims 23-20 are rejected on the same grounds as claims 12-16. In response, Applicant submits that claims 23-20 are allowable for the same reasons discussed above with respect to claim 12.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010408.52554US).

Respectfully submitted,

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/Michael H. JACOBS, Reg. No. 41,870/
Michael H. Jacobs
Registration No. 41,870

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
MHJ:msy